

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**IN RE: KEYSTONE DATA BREACH LITIGATION** : **CIVIL ACTION NO. 1:22-CV-1643**  
:

: **(Judge Conner)**  
:  
**This Document Relates to:** :  
**All Actions** :

**KATHLEEN HOOS, individually** : **CIVIL ACTION NO. 1:22-CV-2023**  
**and on behalf of all others similarly** :  
**situated,** : **(Judge Conner)**  
:

**Plaintiff**

**v.**

**KEYSTONE RURAL HEALTH** :  
**CENTER d/b/a KEYSTONE HEALTH,** :

**Defendant**

**ORDER**

AND NOW, this 18th day of September, 2023, upon consideration of the request for attorneys' fees pursuant to 28 U.S.C. § 1927 by defendant Keystone Rural Health Center d/b/a Keystone Health ("Keystone"), which statute authorizes the court, in its discretion, to punish and deter vexatious litigation behavior, and specifically provides "[a]ny attorney . . . who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct," 28 U.S.C. § 1927, and further upon consideration of the parties' supplemental letter briefs and supporting documentation, (see Docs. 7, 8), the court finding that while plaintiff's counsel's behavior ought not be encouraged,

Keystone has not established that counsel's behavior was the result of "bad faith, rather than misunderstanding, bad judgment, or well-intentioned zeal," see Grider v. Keystone Health Plan Cent., Inc., 580 F.3d 119, 141-42 (3d Cir. 2009) (quoting LaSalle Nat'l Bank v. First Conn. Holding Gr., L.L.C. XXIII, 287 F.3d 279, 289 (3d Cir. 2002)), and thus determining sanctions are not appropriate in this case, it is hereby ORDERED that:

1. Keystone's request for sanctions pursuant to 28 U.S.C. § 1927 is DENIED.
2. The parties otherwise having stipulated to remand, see In re Keystone Data Breach Litig., No. 1:22-CV-1643, Doc. 80, the Clerk of Court shall REMAND this case to the Court of Common Pleas of Franklin County, Pennsylvania.
3. The Clerk of Court shall thereafter CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania